

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 13, 2003**

SPECIAL ORDERS OF BUSINESS

ITEM-S400: National Water Monitoring Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-387)

Encouraging the citizens of San Diego and all levels of the government to make clean water a priority in their decisions, to recommit to achieving the goals set forth in the Clean Water Act, and does hereby proclaiming October 17, 2003 to be "National Water Monitoring Day" in the City of San Diego.

ITEM-S401: Domestic Violence Awareness Month.

COUNCILMEMBER ATKINS' AND CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-409)

Recognizing the effect that domestic violence has on the men, women, and children of San Diego and across the nation, and supporting and encouraging efforts to stop domestic violence in San Diego;

Proclaiming the month of October 2003, to be "Domestic Violence Awareness Month" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-S402: White Cane Safety Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-393)

Proclaiming October 15, 2003 to be "White Cane Safety Day" in the City of San Diego.

ITEM-S403: October is Disability Awareness Month.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-386)

Commending the hundreds of volunteer disabled citizens and the citywide staff for their commitment to help make all San Diegans aware of the rights and needs of citizens with all types of disabilities;

Proclaiming October 2003 to be "Disability Awareness Month" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE RE-INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-S404: General Records Disposition Schedule.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was re-introduced as amended on 9/29/2003.
(Council voted 9-0):

(O-2003-150 Rev.)

Amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 26, by amending Sections 22.2604 and 22.2605, all relating to Procedures Governing the Management of the City Records.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTION:

* ITEM-S405: AMN Healthcare Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-402)

Declaring Thursday, October 9, 2003 to be "AMN Healthcare Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCE TO BE INTRODUCED AND ADOPTED:

ITEM-S406: Consideration and Possible Action to Introduce and Adopt an Ordinance Submitting to the Voters a Ballot Proposition Relating to Increasing the City's Transient Occupancy Tax from 10.5% to 13%.

(See City Manager Report CMR-03-202; Report from the City Attorney dated 10/9/2003; memorandums from Lisa Irvine dated 10/9/2003, and Ed Ryan dated 10/8/2003.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2004-44A)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election Consolidated with the California State General Election to be held on March 2, 2004 one proposition relating to increasing the City's Transient Occupancy Tax by 2.5%.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/1/2003, RULES voted 3 to 1 to:

- 1) Refer the proposed ordinance to the City Manager for a financial analysis and to the City Attorney for a legal analysis, and for drafting changes as to form and not as to substance.
- 2) Present to City Council on October 13 or 14, 2003.
- 3) Move the allocation to Fire from 1.0 to .75; redistribute the .25 as follows: preparation over three years of a Parks Master Plan as proposed by the Park and Recreation Department Budget Working Group; remainder distributed equally over B, C, and D on page 6; allow funds allocated in Section D to be used to prepare the coastal infrastructure plan.
- 4) Delete the sentence on page 7, top paragraph, beginning with "If the City Council fails to adopt..."
- 5) Provide a five-year opportunity for the Tourism Promotion Review Board to adjust funding minimums outlined on pages 7 and 8 (but not the 2.5 cents level of funding), every five years, on a two-thirds vote, subject to veto but not amendment on a two-thirds vote of the City Council.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)
COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCE TO BE INTRODUCED AND ADOPTED: (Continued)

ITEM-S406: (Continued)

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION: (Continued)

- 6) Provide that if there is any successful challenge to the ordinance, we would return to the status quo.
- 7) Ensure that the measure is subject to the existing charter provisions allowing declaration of financial emergency.
- 8) Clarify that maintenance of effort applies to the enumerated equipment and infrastructure pages 4-6, and is not a requirement to escalate overall Police and Fire budgets by the amount of growth in the General Fund.
- 9) Eliminate "debt service for the bond debt for" on page 9.

(Councilmembers Peters, Maienschein, and Madaffer voted yea. Mayor Murphy voted nay. Councilmember Inzunza not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTION:

ITEM-S407: Easement Grant – San Diego Gas & Electric Company – Morena Vista.

(Morena Vista Community Area. District-6.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-401)

Authorizing the City Manager to execute a deed conveying to San Diego Gas & Electric, an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using facilities consisting of poles, wires, cables, and appurtenances for the transmission and distribution of electricity and related purposes, and underground facilities and appurtenances for the transmission and distribution of electricity and related purposes, affecting Lots 3 and 4 in Block 385 and Lots 1, 2, and 4 in Block 386 of Old San Diego, according to Map thereof made by James Pascoe;

Authorizing the City Manager to execute a deed conveying to San Diego Gas & Electric, an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground and overhead facilities and appurtenances for the transmission and distribution of electricity affecting that portion of Lots 1, 2, and 4 in Block 352 of Old San Diego according to Map thereof made by James Pascoe.

CITY MANAGER SUPPORTING INFORMATION:

An Exclusive Negotiation Agreement was executed on June 12, 1998, with CityLink Investment Corporation for development of a mixed use, residential and commercial project at the Morena/Linda Vista Trolley Station. A Ground Lease term sheet was approved on April 8, 1999 and an approved Amended and Restated Disposition and Development Agreement (DDA) was approved January 15, 2003. Extensive negotiations have occurred since that time. One of the issues of major impact to the development site is the need to underground existing major overhead utility lines. The two proposed SDG&E easement locations are to accomplish the utility undergrounding for the Morena Vista project and utility underground conversion for the surrounding area.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTION: (Continued)

ITEM-S407: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The first proposed electrical easement site located west of Morena Boulevard at Friars Road is the current location of above ground towers for transmission lines over the San Diego River and the proposed point of undergrounding for the Morena Vista project and electrical underground conversion for the surrounding area. This easement area, Por. APN: 436-470-13, 19, 21 and 23, is approximately 0.4 of an acre and is already encumbered by SDG&E facilities from an expired lease. Based on a fair market appraisal of the proposed easement, the just compensation to the City is an advance one time payment of \$225,350.

The second proposed electrical easement site, located in the vicinity of Friars Road and Napa Street, is required for the eastern portion of the underground conversion for the Morena Vista Project and electric underground conversion for the surrounding area. The permanent easement area, Por. APN: 436-520-03, 05, and 06, is approximately 0.13 of an acre and the temporary construction area is 384 square feet. Based on the fair market appraisal of the easement area, uninfluenced by existing or planned SDG&E facilities the just compensation to the City is an advance one time payment of \$13,600.

FISCAL IMPACT:

A one time advance payment of \$238,950 will be deposited into General Capital Outlay Fund 302453.

Herring/Griffith/DCM